

ENTERED

May 21, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ROGELIO REGALADO,

Plaintiff,

VS.

HIDALGO COUNTY, J.E. EDDIE
GUERRA, LAURA HINOJOSA and
YVETTE VIDAUERRI,

Defendants.

Civil Case No. 7:23-CV-00290

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the April 25, 2024, Report and Recommendation (“R&R”) prepared by Magistrate Judge Juan F. Alanis. (Dkt. No. 10). Judge Alanis made findings and conclusions and recommended that Regalado’s Prisoner’s Civil Rights Complaint, (Dkt. No. 1) and Request for Leave to Amend/First Amended Complaint, (Dkt. No. 7) be dismissed with prejudice. (Dkt. No. 10 at 2, 42). Further, Judge Alanis recommended that Regalado’s Declaration in Support of Plaintiff’s Request for Leave to Supplement/First Supplemental Pleading with Briefing in Support of Relief, (Dkt. No. 9), be denied without prejudice and that Regalado’s Motion for Appointment of Counsel, (Dkt. No. 6), be denied as meritless. (Dkt. No. 10 at 2, 42). Finally, Magistrate Judge Alanis recommended that due to repeated, frivolous filings, that Plaintiff be barred from proceeding *in forma pauperis* in any civil action or appeal while incarcerated unless Plaintiff is under imminent danger of serious bodily injury. (Dkt. No. 10 at 2, 42).

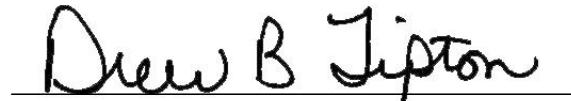
The Parties were provided proper notice and the opportunity to object to the R&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

Accordingly, the Court accepts the R&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Judge Alanis's R&R (Dkt. No. 10) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Regaldo's Prisoner's Civil Rights Complaint, (Dkt. No. 1), is **DISMISSED WITH PREJUDICE**; and
- (3) Regaldo's Request for Leave to Amend/First Amended Complaint, (Dkt. No. 7), is **DENIED**; and
- (4) Regaldo's Declaration in Support of Plaintiff's Request for Leave to Supplement/First Supplemental Pleading with Briefing in Support of Relief, (Dkt. No. 9), is **DENIED**; and
- (5) Regaldo's Motion for Appointment of Counsel, (Dkt. No. 6), is **DENIED**; and
- (6) Under 28 U.S.C. § 1915(g), Regaldo is **BARRED** from proceeding *in forma pauperis* in any civil litigation or appeal while he remains incarcerated unless he is in imminent danger of serious physical injury.

It is SO ORDERED.

Signed on May 21, 2024.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE